United States District Court

For the Northern District of California

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6   IN THE UNITED STATES DISTRICT COURT

7   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10   ORACLE AMERICA, INC.,

11   Plaintiff,   No. C 10-03561 WHA

12   v.

13   GOOGLE INC.,   **SPECIAL VERDICT FORM**

14   Defendant.

15   _____/

16

      YOUR ANSWER MUST BE UNANIMOUS.

                                    packages
17   1.   As to all 37 APIs in question taken as a group:

                                         packages
18   A.   Has Oracle proven the 37 APIs had an overall structure, sequence

19   and organization and that Google copied it?

20   Yes _____   No _____

21

22   B.   If so, has Google proven that its use of the overall structure,

23   sequence and organization constituted "fair use"? (If you answered "no" to

24   Question 1A, then skip to Question No. 2.)

25   Yes _____   No _____

26

27   **NOTE: THE 37 APIS IN QUESTION ARE LISTED IN QUESTION NO. 2.**

28

                                                              packages
                                                                 ^
2.   As to *each* of the 37 APIs listed below, *considered individually*:

A.   Has Oracle proven that Google copied the structure, sequence and
                                          package
                                             ^
organization of the *individual* API *implementation*? Please indicate your answer

to each in the first column below.

B.   If, in column 1 your answer is "yes," then state in the second

column whether or not Google has proven that its use constituted "fair use" (as

defined in the instructions). If you answered "no" in column 1, you should leave

the second column blank or enter "NA" for "not applicable."

C.   Has Oracle proven that Google copied the *documentation* for the

individual API? Please indicate your answer as to each in the third column below.
                  package
                     ^
D.   If, in column 3, your answer is "yes," then state in the fourth

column whether or not Google has proven that its use constituted "fair use" (as

defined in the instructions). If you answered "no" in column 3, you should leave

the fourth column blank or enter "NA" for "not applicable."

(IN ANSWERING THE FOUR ABOVE SUB-QUESTIONS, PLEASE REMEMBER THE

DISTINCTION BETWEEN "IMPLEMENTATION" AND "DOCUMENTATION," AS DEFINED IN THE

INSTRUCTIONS, AS WELL AS THE "WORK AS A WHOLE" ALSO DEFINED IN THE INSTRUCTIONS.)

	IMPLEMENTATION		DOCUMENTATION	
	Copying Proven? (Yes or No)	Fair Use Proven? (Yes, No or NA)	Copying Proven? (Yes or No)	Fair Use Proven? Yes, No or NA)
java.awt.font	_____	_____	_____	_____
java.beans	_____	_____	_____	_____
java.io	_____	_____	_____	_____
java.lang	_____	_____	_____	_____
java.lang.annotation	_____	_____	_____	_____
java.lang.ref	_____	_____	_____	_____

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	IMPLEMENTATION		DOCUMENTATION	
	Copying Proven? (Yes or No)	Fair Use Proven? (Yes, No or NA)	Copying Proven? (Yes or No)	Fair Use Proven? Yes, No or NA)
java.lang.reflect	_____	_____	_____	_____
java.net	_____	_____	_____	_____
java.nio	_____	_____	_____	_____
java.nio.channels	_____	_____	_____	_____
java.nio.channels.spi	_____	_____	_____	_____
java.nio.charset	_____	_____	_____	_____
java.nio.charset.spi	_____	_____	_____	_____
java.security	_____	_____	_____	_____
java.security.acl	_____	_____	_____	_____
java.security.cert	_____	_____	_____	_____
java.security.interfaces	_____	_____	_____	_____
java.security.spec	_____	_____	_____	_____
java.sql	_____	_____	_____	_____
java.text	_____	_____	_____	_____
java.util	_____	_____	_____	_____
java.util.jar	_____	_____	_____	_____
java.util.logging	_____	_____	_____	_____
java.util.prefs	_____	_____	_____	_____
java.util.regex	_____	_____	_____	_____
java.util.zip	_____	_____	_____	_____
javax.crypto	_____	_____	_____	_____
javax.crypto.interfaces	_____	_____	_____	_____
javax.crypto.spec	_____	_____	_____	_____
javax.net	_____	_____	_____	_____
javax.net.ssl	_____	_____	_____	_____
javax.security.auth	_____	_____	_____	_____
javax.security.auth.callback	_____	_____	_____	_____
javax.security.auth.login	_____	_____	_____	_____

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	IMPLEMENTATION		DOCUMENTATION	
	Copying Proven? (Yes or No)	Fair Use Proven? (Yes, No or NA)	Copying Proven? (Yes or No)	Fair Use Proven? Yes, No or NA)
javax.security.auth.x500	_____	_____	_____	_____
javax.security.cert	_____	_____	_____	_____
javax.sql	_____	_____	_____	_____

3.   Has Oracle proven that Google copied the items listed below (col. 1) and if so has Google proven that its copying was fair use (col. 2) or de minimis (col. 3)? If you answer "no" in the first column, then you should leave the second and third columns blank or enter "NA."

	Copied? (Yes or No)	Fair Use? (Yes, No or NA)	De Minimis? (Yes, No or NA)
A. The rangeCheck method in TimSort.java and ComparableTimSort.Java	_____	_____	_____
B. Source Code in seven "Impl.java files plus _____ file	_____	_____	_____
C. The English-language comments in CodeSourceTest.java and CollectionCertStoreParametriums Test.java	_____	_____	_____

4. If you found in Questions 1, 2, or 3 that Google copied Oracle's works and that the copying was not excused by fair use or de minimis, then answer the following questions:

(a) Has Oracle proven that third-party mobile device manufacturers or end-users infringed Oracle's copyrights by copying or using Android software?

(b) (If you answered "yes" to 4(a)) Has Oracle proven that Google intentionally induced or materially contributed to the third-party infringement you found in Question No. 4(a)?

(c) (If you answered "yes" to 4(a)) Has Oracle proven that Google vicariously infringed Oracle's copyrights as a result of the third-party infringement you found in Question No. 4(a)?

Dated: _____

_____
FOREPERSON

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